

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, ET AL.;

Plaintiffs,

vs.

UNITED STATES OF AMERICA, ET AL.;

Defendants,

and

KARLA PEREZ, ET AL.;

STATE OF NEW JERSEY,

Defendants-Intervenors.

Case No. 1:18-cv-00068

**PLAINTIFF STATES' RESPONSE TO
DEFENDANT-INTERVENORS' NOTICE OF FILING**

Plaintiff States write briefly to correct an inaccuracy in Defendant-Intervenors' notice of filing, ECF 311. Defendant-Intervenors incorrectly claim that "whatever injury Plaintiffs may have sustained from DACA recipients who already applied for and received deferred action under DACA has already occurred" Thus, Defendant-Intervenors wrongly state that Plaintiff States "identified only one basis" for their need for a preliminary injunction, *i.e.*, the granting of new DACA applications and new applications for advance parole that is set to begin on August 23, 2018. But that statement flatly ignores Plaintiff States' arguments at the August 8, 2018 hearing and pages of briefing on this very point.

As Plaintiff States made clear at the August 8, 2018 hearing, they will not be compensated for providing healthcare, education, and law-enforcement services to current DACA recipients incentivized to remain in Plaintiff States because of DACA. Aug. 8, 2018 Hr’g Tr. 77:23-78:1; *see also* Pls.’ Post-Disc. Br. Exh. 21 (App. 1246) (estimating the annual cost to provide those services is over \$250,000,000). Likewise, the work authorization granted by DACA means that current DACA recipients will continue to cause Plaintiff States’ citizens a competitive injury in violation of the statutory provisions that govern who is eligible to work in this country, and that injury is not subject to monetary relief. Aug. 8, 2018 Hr’g Tr. 78:1-4; *see also* Def.-Intervenors’ Post-Disc. Br. Exh. 45 at 4-5 ¶¶ 3-7 (confirming that Apple will hire replacements for its 250 DACA employees); *id.* Exh. 48 at 2-3 ¶¶ 7-10 (confirming that Univision will hire replacements for its approximately 60 DACA employees). And Defendant-Intervenors wholly ignore “the harm that [Plaintiff States] suffer[] from the violation of the separation of powers and the Executive’s failure to enforce Congress’s duly enacted, carefully crafted immigration scheme, that abdication on a massive scale.” Aug. 8, 2018 Hr’g Tr. 78:4-8.

A full restart of DACA—including grants of lawful presence and work authorization for otherwise unlawfully present aliens—would indeed irreparably harm Plaintiff States. And that harm is still poised to occur starting on August 23, 2018, without an additional stay from the District of Columbia court or an injunction from this Court. But that harm is by no means the only irreparable harm that Plaintiff States suffer from the unlawful dispensation of Congress’s immigration laws

that is currently occurring because of the implementation of DACA. To claim otherwise ignores not only what was argued at the August 8, 2018 hearing, but also the many pages Plaintiff States have written on this point included in every round of briefing on their motion for a preliminary injunction. *See* Pls.' Mot. for Prelim. Inj. 40-42; Pls.' Post-Disc. Br. 48-51; Pls.' Post-Disc. Resp. Br. 50-51.

August 17, 2018

Respectfully submitted.

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CERTIFICATE OF SERVICE

I certify that on August 17, 2018, this document was electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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